



Mohammed Choudhury  
State Superintendent of Schools

October 20, 2022

[REDACTED]

Mr. Philip Lynch  
Director of Special Education Services  
850 Hungerford Drive, Room 225  
Rockville, Maryland 20850

RE: [REDACTED]  
Reference: #23- 041

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of the investigation.

**ALLEGATIONS:**

On September 14, 2022, the MSDE received a complaint from Mr. and Mrs. [REDACTED] hereafter, “the complainants,” on behalf of their son, the above-referenced student. In that correspondence, the complainants alleged that the Montgomery County Public Schools (MCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

Based on your correspondence, we are investigating the following allegations:

1. The MCPS has not ensured that the Individualized Education Program (IEP) team considered the results of an Independent Education Evaluation (IEE) obtained at private expense provided to them by the parents on May 2, 2022, in accordance with 34 CFR §300.502.
2. The MCPS did not provide the parent with a copy of the completed IEP document within five (5) business days after the IEP team meeting held on June 16, 2022, in accordance with COMAR 13A.05.01.07.
3. The MCPS has not developed an IEP that addresses the student’s identified assistive technology needs since June 16, 2022, in accordance with 34 CFR §300.324.

**BACKGROUND:**

The student is eleven (11) years old and is identified as a student with an intellectual disability under the IDEA. He attends ██████████ School and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION: #1                      Consideration of Independent Evaluation**

**FINDINGS OF FACTS:**

1. There is documentation, "Team Consideration of External Report," from the MCPS staff to the student's parents, reflecting that the IEE was received on May 27, 2022, and an IEP team meeting was scheduled for June 16, 2022.
2. The Prior Written Notice (PWN) generated following the June 16, 2022, IEP team meeting reflects the MCPS' acknowledgment that the parents had an IEE paid for at the parents' expense.
3. The PWN generated on August 22, 2022, reflects the IEP updates and amendments completed by the MCPS staff, including the assessment that was discussed at the June 16, 2022, IEP team meeting. In addition, it reflects that the IEP team completed the consideration of the outside assessment form, updated the present levels of performance, and updated the Assistive Technology (AT) section to reflect the supports that the student is being provided.

**CONCLUSION:**

Based upon the Findings of Facts #1- #3, the MSDE finds that the MCPS has ensured that the IEP team considered the results of an IEE obtained at private expense provided to them by the parents on May 2, 2022, in accordance with 34 CFR §300.502. Therefore, this office does not find that a violation occurred with respect to allegation #1.

**ALLEGATION: #2                      Provision of Completed IEP Documentation**

**FINDING OF FACT:**

4. There is email documentation dated June 21, 2022, from the MCPS to the parents providing the completed IEP documents within five (5) days following the June 16, 2022, IEP team meeting.

**CONCLUSION:**

Based upon the Finding of Fact #4, the MSDE finds that the MCPS has ensured that the IEP team provided the parents with a copy of the completed IEP document within five (5) business days after the IEP team meeting held on June 16, 2022, in accordance with COMAR 13A.05.01.07. Therefore, this office does not find that a violation occurred with respect to allegation #2.

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**ALLEGATION #3**

**IEP Addressing Technology Needs**

**FINDING OF FACT:**

5. **The student's IEP, amended June 20, 2022, reflects that the student does not require AT devices or services and that the IEP team will gather more data to determine AT services.**

**CONCLUSION:**

Based upon the Finding of Fact #5, the MCPS has developed an IEP that addresses the student's identified assistive technology needs since June 16, 2022, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to allegation #3.

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the documentation was not made available during the investigation. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

The parties maintain the right to request mediation or to file a due process complaint if they disagree with the identification, evaluation, placement, or provision of a Free Appropriate Public Education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.  
Assistant State Superintendent  
Division of Early Intervention/Special Education Services

MEF: sd

c: Monifa McKnight  
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